

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL
ETHER (“MTBE”) PRODUCTS
LIABILITY LITIGATION**

**Master File No. 1:00-cv-1898
MDL 1358 (VSB)**

This document relates to:

*Commonwealth of Pennsylvania v. Exxon
Mobil Corp., et al.*, No.: 1:14-cv-06228

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE AS TO
DEFENDANT AMERICAN REFINING GROUP, INC.**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Parties hereby stipulate to the dismissal of American Refining Group, Inc., with prejudice, and further stipulate that no further approval or review of the Settlement Agreement executed by and between the Plaintiff and American Refining Group, Inc. (“Agreement”) by the Court is required. This Stipulation of Dismissal is effective upon filing. *Hester Industries, Inc. v. Tyson Foods, Inc.*, 160 F.3d 911, 916 (2nd Cir. 1998).

Is it hereby ORDERED that all of the claims against American Refining Group, Inc., are hereby dismissed with prejudice and that no further approval or review of the Agreement is required by the Court.

It is further ORDERED that, in any trial of this action, the trier of fact shall determine American Refining Group, Inc.’s or any other Releasees’ (as that term is defined in the Agreement) apportioned share of liability for any and all claims in the same manner and in the same form of trial verdict as for all Non-Settling Defendants, as if American Refining Group, Inc., or any other Releasee(s) had remained Non-Settling Defendant(s). The Commonwealth’s recoverable damages against Non-Settling Defendants will be reduced in accordance with the

procedures and provisions set forth in Section III.3 (Contribution Protection) of the Agreement, including, if applicable, by any amounts apportioned to American Refining Group, Inc., or any other Releasee in a final judicial determination.

It is further ORDERED that all claims against all Defendants named in the above-captioned action (including non-settling Defendants) for all reimbursement payments made, or to be made, from the Pennsylvania Underground Storage Tank Indemnification Fund (“USTIF”) to American Refining Group, Inc., or any other Releasee, or for any costs incurred or to be incurred by USTIF in connection with such reimbursement payments to American Refining Group, Inc., or any other Releasee, are hereby dismissed with prejudice.

It is further ORDERED that the Clerk's default entered against American Refining Group, Inc. (ECF 750) is vacated.

This Stipulation and Order shall not dismiss any other claims by Plaintiff against any other Defendants.

<p>Plaintiff, Commonwealth of Pennsylvania, By its attorneys,</p> <p><u>/s/ Michael Axline</u> Michael Axline Miller, Axline & Sawyer 1050 Fulton Avenue, Suite 100 Sacramento, CA 95825 (916) 488-6688 Fax: (916) 488-4288 Email: maxline@toxictorts.org</p>	<p>Defendant, American Refining Group, Inc., By its attorneys,</p> <p><u>/s/Daniel J. Dugan</u> Daniel J. Dugan, Pro Hoc Vice Spector Gadon Rosen Vinci, P.C. Seven Penn Center – 7th Floor 1635 Market Street Philadelphia, PA 19103 (215) 241-8872 Fax: (215) 531-9120 Email: ddugan@sgrvlaw.com</p> <p>Defendants,</p>
---	--

<p>Defendant, TotalEnergies Petrochemicals & Refining USA, Inc., By its attorneys,</p> <p><u>/s/ Christopher H. Domingo (with permission)</u> Christopher H. Domingo Diane L. Myers Jones Day 717 Texas Suite 3300 (832) 239-3827 Fax: (832) 239-3600 Email: chdomingo@jonesday.com dmyers@jonesday.com</p>	<p>Defendant, United Refining Company and TransMontaigne Product Services LLC, By their attorneys,</p> <p><u>/s/ Dawn Ellison (with permission)</u> Dawn Ellison Greenberg Traurig LLP (DC) 2101 L Street, N.W., Suite 1000 Washington, DC 20037 (202) 331-3100 Fax: (202) 331-3101 Email: ellisond@gtlaw.com</p>
---	---

Defendants,
Exxon Mobil Corporation, Exxon Company,
U.S.A., ExxonMobil Refining & Supply
Company, Mobil Oil Corporation, and Exxon
Mobil Oil Corporation,
By their attorneys,

/s/ William Stack (with permission)

James Anthony Pardo
Lisa Gerson
McDermott, Will & Emery, LLP (NY)
340 Madison Avenue
New York, NY 10017
(212) 547-5353
Fax: (212) 547-5444
Email: jpardo@mwe.com
lgerson@mwe.com

William Stack
Carlos Bollar
Archer & Greiner, PC
33 East Euclid Avenue
One Centennial Sq.
Haddonfield, NJ 08033
(856) 345-3016
Email: wstack@archerlaw.com
cbollar@archerlaw.com

Defendants,
Hess Corporation, and Hess Oil New York
Corp. (f/k/a Hess Oil Virgin Islands Corp.),
By their attorneys,

/s/ Christopher Daniey (with permission)

Vernon Cassin
Christopher Danley
Baker Botts LLP
700 K St. NW
Washington, DC 20001
(202) 639-1139
Fax: (202) 508-9321
Email: vernon.cassin@bakerbotts.com

<p>Defendants, Atlantic Richfield Company, BP America Inc., BP Amoco Chemical Company, BP Holdings North America Limited, BP p.l.c., BP Products North America, Inc., BP West Coast Productions, L.L.C., By their attorneys,</p> <p><u>/s/ J. Andrew Langan (with permission)</u> J. Andrew Langan Andrew R. Running Amanda Jacobowski Kirkland & Ellis LLP (IL) 300 North LaSalle Street Chicago, IL 60654 (312) 862-2412 Fax: (312) 862-2200 Email: Andrew.langan@kirkland.com andrew.running@kirkland.com Amanda.jacobowski@kirkland.com</p>	<p>Defendants, Chevron Corp., Chevron U.S.A., Inc., TRMI-H LLC, and Texaco, Inc., By their attorneys,</p> <p><u>/s/ Charles Correll (with permission)</u> Charles Correll James Maher Jeremiah J. Anderson King & Spalding LLP (TX) 1100 Louisiana Houston, TX 77002 (713) 276-7354 Email: ccorrell@kslaw.com jmaher@kslaw.com jjanderson@jkslaw.com</p>
<p>Defendant, Citgo Petroleum Corporation, and Citgo Refining and Chemicals Company, L.P., By their attorneys,</p> <p><u>/s/ Pamela Hanebutt (with permission)</u> Nathan Philip Eimer Pamela Hanebutt Lisa Meyer Eimer Stahl LLP 224 South Michigan Avenue Suite 1100 Chicago, IL 60604 (312) 660-7600 Fax: (312) 692-1718 Email: neimer@eimerstahl.com phanebutt@eimerstahl.com lmeyer@eimerstahl.com</p>	<p>Defendants, ConocoPhillips Company, ConocoPhillips, Phillips 66, Phillips 66 Company, By their attorneys,</p> <p><u>/s/ Stephen Cann Dillard (with permission)</u> Stephen Cann Dillard Jessica Farley Norton Rose Fulbright 1301 McKinney, Suite 5100 Houston, TX 77010 (713) 651-5507 Fax: (713) 651-5246 Email: steve.dillard@nortonrosefulbright.com Jessica.farley@nortonrosefulbright.com</p>

<p>Defendant, Crown Central, LLC, By its attorneys,</p> <p><u>/s/ Duke McCall (with permission)</u> Duke McCall Morgan, Lewis & Bockius 1111 Pennsylvania Ave. NW Washington, DC 20004 (202) 373-6607 Fax: (202) 739-3001 Email: duke.mccall@morganlewis.com</p>	<p>Defendant, Cumberland Farms Inc. and Gulf Oil Limited Partnership, By their attorneys,</p> <p><u>/s/ Chad W. Higgins (with permission)</u> Chad W. Higgins Bernstein Shur 100 Middle Street P.O. Box 9729 Portland, ME 04104 (207) 228-7186 Fax: (207) 774-1127 Email: chiggins@bernsteinshur.com</p> <p>Mark Edward Tully Goodwin Procter, LLP (Boston) 53 State Street, Exchange Place Boston, MA 02109 (617) 570-1289 Fax: (617) 523-1231 Email: mtully@goodwinprocter.com</p>
<p>Defendants, Equilon Enterprises LLC, Pennzoil Company, Pennzoil Quaker State Company, Motiva Enterprises LLC, Star Enterprise LLC, Shell Oil Company, Shell Oil Products Company, LLC, TMR Company, Shell Trading (US) Company, and Deer Park Refining Limited Partnership, By their attorneys,</p> <p><u>/s/ Peter Condrón (with permission)</u> Peter Condrón Jessica Douglas Gilbert Crowell & Moring, LLP 1001 Pennsylvania Ave., NW Washington, DC 20004 (202) 624-2558 (202) 628-5116 Email: pcondron@crowell.com jgilbert@crowell.com</p>	<p>Defendant, George E. Warren LLP (formerly George E. Warren Corporation), By its attorneys,</p> <p><u>/s/ Ira Brad Matetsky (with permission)</u> Ira Brad Matetsky Ganfer Shore Leeds & Zauderer LLP 360 Lexington Avenue, 14th Floor New York, NY 10017 (212) 922-9250 Fax: (212) 922-9335 Email: imatetsky@ganfershore.com</p>

<p>Defendant, Getty Properties Corp., By its attorneys,</p> <p><u>/s/ Susan M. Dean (with permission)</u> John Christie McMeekin II Susan M. Dean Rawle & Henderson, LLP The Widener Bldg., One South Penn Square Philadelphia, PA 19107 (215) 575-4324 Fax: (215) 563-2583 Email: jmcmeekin@rawle.com sdean@rawle.com</p>	<p>Defendant, Guttman Realty Company, By its attorneys,</p> <p><u>/s/ Michael D. Hall (with permission)</u> Michael D. Hall Buchanan Ingersoll & Rooney P.C. 550 Broad Street, Suite 810 Newark, NJ 07102-4582 (973) 424-5609 Fax: (973) 273-9430 Email: michael.hall@bipc.com</p>
<p>Defendants, Hartree Partners, LLC, and Hartree Partners, LP f/k/a Hess Energy Trading Company, LLC, By their attorneys,</p> <p><u>/s/ David Andrew Sifre (with permission)</u> David Andrew Sifre Law Office of David Sifre LLC 51 Pondfield Road, Ste 9 Bronxville, NY 10708 914-898-3283 Fax: 914-898-3254 Email: david@sifrelaw.com</p>	<p>Defendants, Sun Company, Inc., Sunoco Inc., Sunoco, Inc. (R&M), Energy Transfer Partners, L.P., ETP Holdco Corporation, and Sunoco Partners Marketing & Terminals L.P., By their attorneys,</p> <p><u>/s/ Daniel Mark Krainin) with permission)</u> Nessa Horewitch Coppinger Beveridge and Diamond, P.C. 1350 I Street NW Suite 700 Washington, DC 20005-3311 (202) 789-6053 Fax: (202) 789-6190 Email: ncoppinger@bdlaw.com</p> <p>Daniel Mark Krainin Beveridge & Diamond, P.C. 477 Madison Avenue, 15th Flr. New York, NY 10022 (212) 702-5400 Fax: (212) 702-5450 Email: dkrainin@bdlaw.com</p>

<p>Defendants, PJSC LUKOIL, LUKOIL North America LLC and LUKOIL Pan Americas, LLC, By their attorneys,</p> <p><u>/s/ Joseph L. Sorkin (with permission)</u> Joseph. L. Sorkin Akin Gump Strauss Hauer & Feld LLP One Bryant Park Bank of America Tower New York, NY 10036-6745 (212) 872-7464 Fax: (212) 872-1002 Email: jsorkin@akingump.com</p>	<p>Defendant, Nustar Terminals Operations Partnership LP, By its attorneys,</p> <p><u>Todd W. Mensing (with permission)</u> Todd W. Mensing Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing P.C. 1221 McKinney Street, Suite 2500 Houston, TX 77010 (713) 655-1101 Fax: (713) 655-0062 Email: tmensing@azalaw.com</p>
<p>Defendant, Petroleum Products Corporation, By its attorneys,</p> <p><u>/s/ Christopher T. Scanlon (with permission)</u> Christopher T. Scanlon Clausen Miller PC 28 Liberty Street 39th Floor New York, NY 10005 (212) 805-3979 Fax: (212) 805-3939 Email: cscanlon@clausen.com</p>	<p>Defendants, Premcor USA, Inc., The Premcor Refining Group, Inc., Valero Energy Corporation, Valero Refining Company – New Jersey, Valero Marketing and Supply Company, Ultramar Diamond Shamrock Corporation, and Supply Company, and Valero Refining and Marketing Company, By their attorneys,</p> <p><u>/s/ Erika M. Anderson (with permission)</u> James F. Bennett Erika M. Anderson Megan E. Ball Dowd Bennett LLP 7733 Forsyth Blvd., Suite 1900 St. Louis, MO 63105 (314) 677-4419 Fax: (314) 863-2111 Email: jbenett@dowdbennett.com eanderson@dowdbennett.com mball@dowdbennett.com</p>

SO ORDERED the 29th day of July, 2022.



UNITED STATES DISTRICT COURT JUDGE